

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shigeki Sasaki

Application No.: 10/554,158

Confirmation No.: 1880

Filed: December 8, 2005

Art Unit: 1623

For: THIONUCLEOSIDE S-NITROSYL
DERIVATIVE

Examiner: P. T. Lewis

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Restriction Requirement set forth in the Office Action dated January 25, 2008 (Paper No. 20080115), Applicants hereby provisionally elect for examination, **with traverse**, the following:

Group 1, claims 1, 4 and 7-14 drawn to a thionucleoside-S-nitrosyl derivative of Formula (I); and further elect the species in Example 2, which relates to the compound of Formula (I) wherein R¹ represents a derivative of 2-deoxyribose and R² represents an amino group.

Applicants also petition for a one-month extension of time.

RESTRICTION REQUIREMENT

The Examiner has required restriction under 35 U.S.C. §§ 121 and 372 to one of the group of inventions as follows:

Group 1: claims 1, 4 and 7-14 drawn to a thionucleoside-S-nitrosyl derivative of Formula (I);

Group 2: claims 2, 5, 13-15, 17, 19, 21, 23 and 25 drawn to a thionucleoside-S-nitrosyl derivative of Formula (II); or

Group 3: claims 3, 6, 13-14, 16, 18, 20, 22, 24 and 26 drawn to a thionucleoside-S-nitrosyl derivative of Formula (III).

Applicants elect, **with traverse**, the invention of Group 1, claims 1, 4 and 7-14 for examination, and elect the species as described in Example 2, which relates to the compound of Formula (I) wherein R¹ represents a derivative of 2-deoxyribose and R² represents an amino group. The elected species is encompassed by claims 1, 4, 7-12 and 13-14 in part (*i.e.*, Formula (I)).

All of the claims in the application are directed toward thionucleoside-S-nitrosyl derivatives; and, therefore, are related. Further, all of the claims are classified in the same class. Therefore a search of Formulas (I), (II), and (III) would not represent a burden on the Examiner. Reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

CONCLUSION

In view of the interdependency of the claimed inventions, it is respectfully requested that the restriction requirement be withdrawn as to the claims, and that each of the claims presently pending in the application be examined.

Dated: March 21, 2008

Respectfully submitted,

By 
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